Regd. No. M.—1175.

The Mysore Gazette

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, WEDNESDAY, JUNE 1, 1938.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 3811—*L. C., dated Bangalore, 26th May* 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Societies Registration Act, 1904, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Societies Registration Act, 1904.

Whereas it is expedient to amend the Societies Registration Act, 1904; It is hereby enacted as follows :—

1. This Act may be called the Societies Registration (Amendment) Act, 193 .

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as clause (a) thereof and to that clause the following words shall be added at the end, namely,

"and a copy of the Balance Sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917, shall also be filed with the Registrar of Joint-Stock Companies at the same time."

3. After clause (a) of section 5 of the said Act, the following clauses shall be inserted, namely,—

"(b) A filing fee of one rupee each shall be paid along with the list and the Balance Sheet referred to in clause (a). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."

"(c) if a Society fails to submit the returns as required by this section the Registrar shall call for the same to be submitted within a specified date, and if the Society still makes default in submitting the returns, the Registrar may levy a fine of Rs. 2 for every day during which the default continues. The fine so levied shall be recoverable as an arrear of land revenue."

4. After section 21 of the said Act, the following new section shall be added, namely,—

"22. The Government may make such rules as it thinks expedient for the carrying out of the purposes of this Act."

Statement of Objects and Reasons.

The Mysore Societies Registration Act, III of 1904, was framed on the model of the British Indian Societies Act XXI of 1860, which (with the exception of two minor amendments, Act XXII of 1927 and Act II of 1912) has not been amended.

According to section 5 of the Act, a Society is required to send a list of Members of the Governing Body and there

is no penal provision in the said Act to enforce its submission. Several Societies have been registered and there is no record whether they are working or not. There have been several complaints of mismanagement of Societies, and in the absence of any provision for the submission of "Receipt and Expenditure" accounts by these Societies, there is no check on their working.

There have been several representations in the Representative Assembly and Legislative Council, for measures to check effectively the management of these Societies.

Though in the year 1935, rules for the removal of the names of defunct Societies, and for the destruction of their records, etc., based on the rules in force in Madras, were introduced here also, yet these provisions have not improved the working of these Societies much.

In the last June Session of the Legislative Council it was urged, that rules, for the effective supervision of the Societies by demanding the annual audited Balance Sheets and Statements of Accounts and Reports, might be framed, and that on default by the Societies, registration might be cancelled. As most of the Societies receive Government grants it is necessary to have a check over their working.

With a view to secure effective control over the Societies, it is proposed to insist on the submission of a balance sheet and accounts audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917. The levy of a filing fee of rupee one, for each of the lists of members and the balance sheet is also provided for.

The Registrar is empowered to call for the above documents in case of default on the part of the Societies, and to levy, in his discretion, a fine of Rs. 2 per day of delay. To facilitate the recovery of fines, provision has been made for their recovery as arrears of Land Revenue.

Provision is also made empowering the Government to frame rules for carrying out the purposes of the Act.